781561N25A SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: February 9, 2006

FILE NO.: SH2152827

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY [redacted] #[redacted]
DEPUTY FREDERICK MORSE #[redacted]
OPERATION SAFE STREETS BUREAU

On August 13, 2005 at approximately 0045 hours, [redacted] (driver), Deputy Morse (passenger), and Sergeant Knott (rear seat) were patrolling in a marked radio car northbound on Willowbrook Avenue, south of East 121st Street, when they heard numerous gunshots north of their location. The deputies then saw a vehicle turn northbound onto Willowbrook Avenue from westbound East 121st Street at a high rate of speed. Following that vehicle at a high rate of speed was a tan Buick. The deputies followed the tan Buick (suspect vehicle) as it turned eastbound onto East 119th Street from Willowbrook Avenue. The deputies activated their radio car's red lights to stop the suspect vehicle, but the vehicle failed to stop. Deputy Morse advised over the radio that they were in pursuit of a speeding vehicle.

The suspect vehicle turned southbound into an alley from East 119th Street, then onto eastbound East 120th Street to southbound Willowbrook Avenue to eastbound East 121st Street. When the deputies turned eastbound onto East 121st Street, they noticed a large party at 2237 East 121st Street, with numerous persons standing on both sides of the street. As they passed this location, they heard gun shots and saw muzzle flashes in their side view mirrors coming from persons standing behind them on the south side of the street. At this time, the suspect driver (Suspect #1) stuck his right hand out of the open driver's door window and with an unknown type of handgun, began shooting at the deputies.

Fearing for his safety and the safety of his partners, Deputy Morse fired eight, 9mm rounds through the front windshield of his radio car at the suspect vehicle. The suspect vehicle stopped at the end of East 121st Street, which dead ends at Mona Park, and Suspect #1 got out of the vehicle and ran northbound through the park holding a handgun in his right hand. The passenger suspect (Suspect #2) remained seated in the vehicle. As Deputy [redacted] got out of his radio car, Suspect #1 turned toward him and raised the handgun. Fearing for his safety, Deputy [redacted] fired three, 9mm rounds at Suspect #1 who continued running northbound on the walkway toward East 120th Street. Deputy [redacted] broadcast via his radio that he had been involved in a shooting and was now in foot pursuit.

As Deputy [redacted] ran after Suspect #1, Deputy Morse opened the rear door of the radio car so that Sergeant Knott could exit. Deputy Morse joined Deputy [redacted] in the foot pursuit, while Sergeant Knott detained Suspect #2, still in the suspect vehicle, at gunpoint. Suspect #1 continued running northbound down the pathway, never looking back. Deputy [redacted] with Deputy Morse now only a few feet behind him, followed the suspect. At the end of the pathway, the suspect ran westbound onto East 120th Street. Deputies [redacted] and Morse took cover behind a telephone pole and saw Suspect #1 run westbound on the south sidewalk of East 120th Street.

Both deputies then ran across the street and took up a position of cover behind a vehicle parked at the north curb line in front of [redacted] Deputy Morse maintained visual contact with Sergeant Knott. Suspect #1 was last seen running through the front yard gate of [redacted] a well known gang house, still carrying the handgun. A containment was quickly established of the immediate area.

As the result of a canine search, Suspect #1 was found in the backyard of [redacted] hiding in a Corvette. He was taken into custody without incident. Suspect #1's weapon was not recovered. Suspect #2 was taken into custody without incident.

On February 23, 2006, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.30: Use of Firearms and Deadly Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force, MMP § 3-01/025.30: Use of Firearms and Deadly Force, and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputy was reasonable and necessary and in compliance with Department policy. MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

Table of Contents

SH2152827

OFFICER INVOLVED SHOOTING FORM

INVESTIGATIVE SUMMARY

EXHIBITS

MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 08/13/05	Bureau/Station/Facility: OSS (CEN)	Admin. Invest.? ☐ Hit? ☐

Incident Information

URN: 405-13993-2138-055	Date: 08/13/05 Time: 0045
City or Station: CENTURY STATION	Nature of Incident: DEPUTY-INVOLVED NON-HIT SHOOTING
Location: 2200 BLK OF EAST 121ST ST., L.A.	

Location Type (circle one or more): Backyard, Beach, Business, Freeway, Industrial, **Park**, Parking Lot, Residence, Rural, School, **Street**, Other: ______

Lighting (circle only one): Darkness, Daylight, Other, Street Lights

Weather (circle only one): Clear, Cloudy, Fog, Rain

Distance: 1ST-50 FT/2ND-50 FT

Incident Type (circle one or more): Accidental, **Armed Person**, **Fleeing Suspect**, Foot Pursuit, Gun Take Away, **Moving Vehicle**, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, **Vehicle Pursuit**, Warrant Service, Warning Shot, Other: ______

Initiated by (circle only one): Arrest Warrant, Call, **Observation**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (circle only one): Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy: 11

Total # of Shots Fired by Suspect: 2

Aero Unit? ☐ Canine Unit? ☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	KNOTT	LAURENCE		EM **PM** Day	**Regular** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(circle one or more)
[redacted]	KNOTT	LAURENCE		**On Duty**, **Present during shooting**, **Witness to shooting**, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	NONE		

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	RIFKIN	ROBERT	

PSTD Use Only

SH # 2152827

SH-R-438A rev. 3/97

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08/13/05	0230		

Employee #	Last Name	First Name	M.I
[redacted]	BERG	MICHAEL	R.
[redacted]	FLAMM	STEVEN	M.
[redacted]	JENNINGS	RICKEY	D.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	FH	--	--			NN	
S1	E2	FH	--	--			NN	
S1	W1	FH	--	--			NN	
E1	S1	FH	BR	9	Y	Y	NN	
E1	S2	FH	BR	9	Y	Y	NN	
E2	S1	FH	BR	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Informatio[n]

URN: 405-13993-2138-055

Involved Employee

E 1

Employee # [redacted]	Last Name MORSE	First Name FREDRICK	M.I.
Sex: M Race: W	Rank DEPUTY SHERIFF	Unit Assignment: OSS/GET (CEN)	Work Assignment (Unit #, Module, etc.): W521
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, (Raid Jacket w/ Vest), Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 6-0	Weight: 170	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: W	Rank DEPUTY SHERIFF	Unit Assignment: [redacted]	Work Assignment (Unit #, [redacted]):
[redacted]	[redacted]	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, (Raid Jacket w/ Vest), Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: [redacted]	Weight: [redacted]	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 405-13993-2138-055

Suspect Information

S 1

Last Name: MILLANDER		First Name: THEODORE	M.I.
AKA Last Name: "LITTLEMAN"		First Name	M.I.
Sex: M Race: B	Street Address: [redacted]	City [redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
Age: 23 D.O.B. 0/27/82	Height: 5-10 Weight: 180	FBI # [redacted]	CII # [redacted]
Booking # 8694568	Primary Charge: 664/187 PC	Secondary Charge: 3056 PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: BUICK		Model: LE SABRE	Year: 1995

S 2

Last Name: JENKINS		First Name: ALVIN	M.I.
AKA Last Name: "LIL AL"		First Name	M.I.
Sex: M Race: B	Street Address: [redacted]	City [redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
Age: 25 D.O.B. 10/18/79	Height: 5-08 Weight: 170	FBI # [redacted]	CII # [redacted]
Booking # 8694248	Primary Charge: 664/187 PC	Secondary Charge: 182 PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: BUICK		Model: LE SABRE	Year: 1995

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED NON-HIT SHOOTING
IAB SH2152827
URN 005-13993-2138-055

On Saturday, August 13, 2005, Sergeants Michael Berg and Steve Flamm of the Internal Affairs Bureau responded to the Century Station area regarding a deputy-involved, non-hit shooting. Internal Affairs Bureau Lieutenant Rick Jennings also responded.

At approximately 0035 hours on August 13, 2005, Deputies [redacted] and Frederick Morse were working a marked, three-man gang patrol car with Sergeant Knott. As they drove northbound on Willowbrook Avenue, they heard gunfire from close proximity to the northeast. Immediately following the gunfire, they saw two vehicles drive onto northbound Willowbrook Avenue from 121st Street.

[redacted] the driver, accelerated to catch up to the vehicles. The deputies believed the vehicles had been involved in the shooting. The second car, a gold Buick with two male Blacks inside, turned onto eastbound 120th Street. [redacted] followed the vehicle as it drove down the street and turned into an alley. The suspects' vehicle accelerated away from the patrol car, and the deputies activated their overhead lights and siren. The vehicle failed to yield. As the vehicle drove west on 119th Street and onto southbound Willowbrook Avenue, Morse, the bookman, broadcast that he was in pursuit of a 246 (Shooting at an Inhabited Dwelling) vehicle.

The Buick turned back onto eastbound 121st Street and passed a party at [redacted] There were numerous persons outside on both sides of the street. The deputies recognized the persons as being Mona Park Crips gang members. The deputies continued to pursue the Buick. As they passed the party, a group on the south side of the street opened fire on the deputies' radio car. Almost simultaneously, the deputies saw gunfire from the driver side of the Buick toward their patrol car.

All of the deputies believed they were being set up and ambushed by the party-goers and the suspects inside the Buick. Deputy Morse drew his Beretta, advised [redacted] that he was going to shoot, and Morse fired 8 rounds through the moving patrol car's front windshield at the moving Buick.

Within seconds, the Buick stopped abruptly at the dead end of 121st Street in front of Mona Park. The driver exited the car and ran north across Mona Park toward a walkway. As [redacted] exited his vehicle, the suspect turned to his left and pointed a gun at [redacted] from about 20 yards away. [redacted] fired three rounds at the suspect. The suspect ran through the walkway toward 120th Street.

As the patrol car stopped, Morse exited the passenger door. He checked the rear for additional gunfire, then covered the suspect in the passenger's seat. Morse let Knott out of the rear seat, advised Knott to cover the suspect, then ran to assist [redacted] in pursuing the driver.

[redacted] broadcast that he was in foot pursuit through the walkway. Morse caught up with [redacted] as they reached the end of the walkway at 120th Street. [redacted] watched the suspect run into a yard, then took a position of cover. Morse stayed in his location to maintain visual contact with [redacted] and Knott. [redacted] and Morse coordinated a containment with the responding units. Within moments, assisting units arrived.

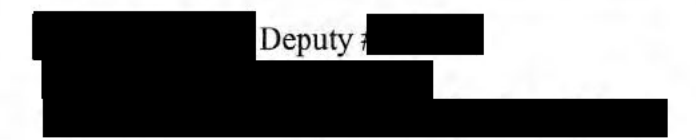
After a lengthy containment and dog search, the driver (Suspect Millender) was located by Canine Services personnel, and taken into custody from a backyard on 120th Street. The passenger suspect (Suspect Jenkins) was also arrested. No force was used to take either suspect into custody. No suspects or deputies were injured by gunfire. The shooters from the party were not located.

Deputy Wolak from the Force Training Unit and Deputy Scott Edge of the Civil Litigation Unit also responded to the incident.

> **IAB Note: Searches of various residences on 120th and 121st Streets were conducted after the apprehension of Suspect Millender. The searches, both consent and warrant searches, occurred well after the shooting incident. They were not part of this shooting review. Refer to Exhibit A, pages 58-78 for the search warrant and consent search information.**

INVOLVED PERSONNEL:

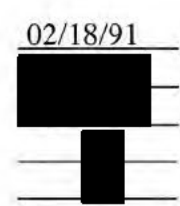
MORSE, Frederick, Deputy #[redacted]
Office of Homeland Security
Operations Safe Street Bureau/Century Station



[redacted] Deputy #[redacted]
[redacted]

EMPLOYEE WORK HISTORY:

MORSE, Frederick



Date of Employment	02/18/91
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	

[redacted]

Date of Employment
Date assigned to Patrol
Completed Patrol Training
Prior Shooting Incident(s)
Prior Founded Force Incidents



[redacted]

SUSPECTS:

Millender, Theodore MB/23 Booking # 8694568

Suspect Millender has an [redacted] Refer to the CCHRS and RAPS printouts included under **Miscellaneous Documents**. Millender is also a documented gang member of the Acacia Crips.

Jenkins, Alvin MB/25 Booking # 8694248

Suspect Jenkins has an [redacted]

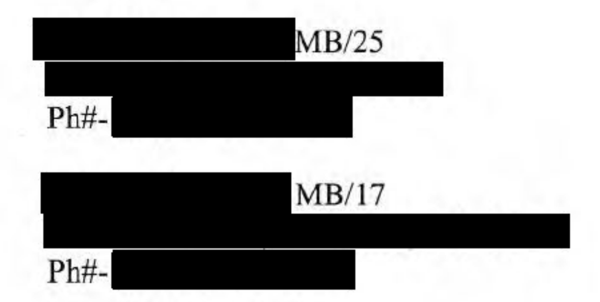
Refer to the CCHRS and RAPS printouts included under **Miscellaneous Documents**. Jenkins was on [redacted] at the time of the incident [redacted]

WITNESSES:

Sworn:

KNOTT, Laurence, Sergeant [redacted]
Office of Homeland Security
Operations Safe Street Bureau/Century Station

Civilian:



[redacted] MB/25
[redacted]
Ph#-[redacted]

[redacted] MB/17
[redacted]
Ph#-[redacted]

IAB Note: A canvass of the shooting scenes was conducted. Over 20 residents were contacted, while numerous other residences had no persons at home. None of the witnesses offered any substantial information. Most of the witnesses heard gunshots, but did not see anything and could not identify who fired the rounds. Refer to the supplementary reports under Exhibit A, pages 47-57, for the witnesses' statements and information.

INJURIES:

MILLENDER, Theodore

- -complaint of pain to his back and neck
- -lumbar strain

After his arrest, Suspect Millender complained of pain to his back and neck. Deputies transported Millender to Martin Luther King Hospital where he was treated by Dr. Ghalili in the Emergency Room (Patient number 0635477). Millender was given an "OK to book" and was booked at Century Station. Dr. Ghalili diagnosed Millender with a lumbar sprain. In a subsequent taped interview by Detective Lopez (CEN/OSS), Millender acknowledged he was not injured by arresting deputies, nor was any force used on him.

Refer to **Exhibit A, pages 24-25** for Millender's statement, and **Exhibit A, pages 34-36** for Millender's medical documents.

No deputies were injured. Suspect Jenkins was not injured.

PHYSICAL EVIDENCE:

Deputy Morse fired eight rounds through his passenger side windshield. There were six bullet holes in the windshield. Seven 9mm shell casings were recovered inside the radio car. One was located outside of the passenger side of the radio car where it stopped at the end of E. 121st Street. That shell casing most likely fell out of the vehicle when Morse opened his car door.

Nineteen expended 9mm shell casings were located in front of [redacted] and [redacted] those were the locations both deputies saw suspects fire at them as their patrol car passed by.

A Gunshot Residue Test (GSR) was performed on Suspect Millender by Detective Tobin (CEN/OSS). Tobin conducted the test while Millender awaited admittance to the M.L.K. Emergency Room. Millender was uncooperative and reluctant to participate in the test. Millender resisted the test by clenching his fists, but Tobin was able to swab most of Millender's outside portion of his hands. Millender told Tobin that he would have gunshot residue on his hands because he fired a gun earlier in the day, hours before his arrest. Refer to Det. Tobin's supplementary report in **Exhibit A, pages 28-29**. The GSR kit #33155 was submitted to the Crime Lab under receipt #J635272.

The GSR test examination was performed by Joseph Cavaleri, Ph.D., Senior Criminalist. Cavaleri used a scanning electron microscope with energy dispersive spectroscopy to achieve the results. Cavaleri concluded that there were two particles consistent to gunshot primer residue detected on the test samples of Suspect Millender. Cavaleri explained that the presence of the particles was consistent with Millender handling or discharging a firearm, being in the close proximity to a discharging firearm, or otherwise having been in contact with an environment of gunshot primer residue. The results may include environmental or occupational sources.

Refer to the Scientific Services Bureau report by Cavaleri, **Exhibit B, page 6**. Refer to the Crime Lab reports, **Exhibit B** for physical evidence gathered at the crime scene(s) and processed by the Crime Lab. Refer to photographs of the crime scene and evidence (**Exhibits *****), and the crime scene sketch (**Exhibit C**). Refer to the property damage section for additional comments regarding bullet strikes.

INVESTIGATOR OBSERVATIONS:

The physical evidence at the shooting scene (positions of the shell casings on the south side of 121st Street, bullet hole damage to the suspects' and deputies' vehicles, and evidence recovered at the scene) appears to be consistent with the deputies' versions of the events.

Refer to **Exhibits *** ** for photographs of the scene, and **Exhibit C** for the crime scene diagram.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Morse, Frederick

Departmental-issued service firearm; Beretta 92F, 9mm, serial #[redacted] **8 rounds** of duty issue 9mm ammunition fired. Morse carried his weapon with 15 rounds in the magazine and one in the chamber. Following the shooting, he had 7 rounds in his magazine, and one in the chamber. Morse was approximately 30 feet from the suspect's vehicle when he fired. Morse fired his weapon from inside the moving radio car. Refer to the Property Damage section for additional information. Also refer to the Crime Lab examination of Morse's weapon **(Exhibit B, pages 4-5, lab receipt J663711/J663709)**.

Deputy [redacted]

Departmental-issued service firearm; Beretta 92F, 9mm, serial #[redacted] **3 rounds** of duty issue 9mm ammunition fired. [redacted] carried his weapon with 15 rounds in the magazine and one in the chamber. Following the shooting, he had 12 rounds in his magazine, and one in the chamber. [redacted] was approximately 30 feet from the suspect's vehicle when he fired. Refer to the Property Damage section for additional information. Also refer to the Crime Lab examination of [redacted] weapon **(Exhibit B, pages 4-5, lab receipt J663711/J663708)**.

WEAPONS USED BY SUSPECTS:

Suspect Millender used an unknown type of handgun to fire at the deputies' moving patrol car from his moving vehicle. Millender was the driver of the suspects' vehicle. Millender also pointed a handgun at Deputy [redacted] as Millender fled on foot from his vehicle. No weapon was recovered from the suspects' vehicle. Also, no weapon was recovered along the route Millender fled, or from the location Millender was apprehended (rear yard of [redacted]

No weapon was located on or near Suspect Jenkins.

An unknown suspect or suspects fired at the deputies' moving patrol vehicle as it pursued the suspects' vehicle eastbound on E. 121st Street. Nineteen expended 9mm Luger caliber cartridge cases were recovered in front of [redacted] and [redacted] along the south side of the street, sidewalk and yards. Both deputies described the shots as having been fired from a group of individuals, probably "Crips" gang members, on the south side of 120th Street at the above indicated addresses.

Refer to **Exhibit B, page 1**, and **Exhibit C** (diagram and legend) for the recovery and locations of the expended shell casings. None of the suspect's fired rounds were recovered. Also, refer to photos in **Exhibit *****.

PROPERTY DAMAGE:

The following private property was damaged:

-Suspects' 1995 Buick Le Sabre, CA license [redacted] brown; (1) bullet hole in passenger side of the rear window; (1) bullet hole in the right taillight; (1) bullet hole in the rubber molding of the rear bumper. Refer to the Crime Lab report (**Exhibit B, page 2**) and photos of the vehicle (**Exhibit** **).

The following departmental property was damaged:

-Patrol vehicle, Ford Crown Victoria, black and white, CA Exempt License 1007966; (6) bullet holes in the passenger side windshield (all holes originated from the inside of the vehicle). Refer to the Crime Lab report (**Exhibit B, page 1**) and photos of the vehicle (**Exhibit** **).

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator's Name	Detective Mark Lopez (OSS)
Court	Compton
Charges Filed	664/187 PC (3 counts); 12021(a) PC 2800.2(a) VC
Court Date	Continuing
Case Number	TA08064601

LIGHTING OR WEATHER CONDITIONS:

The weather was cloudy, warm, and dark at the time of the shootings (approximately 0045 hours). The initial shooting scene (shooting from moving patrol vehicle while in pursuit) was lit by street lights. The darkness enhanced the deputies abilities to see the gunfire from the suspect vehicle. The secondary shooting scene (dead end cul-de-sac of E. 121st Street at Mona Park) was lit by nearby street lights and park lights. Additionally, the patrol vehicle's headlights and overhead lights were on and activated.

INVOLVED EMPLOYEES' STATEMENTS:

Deputy Morse, Frederick

Deputy Morse was working unit [redacted] Morse was the bookman of the three man patrol car while Deputy [redacted] was the driver, and Sergeant Knott was in the backseat. Morse wore a Department Class C green polo shirt, jeans, a vest, and Sam Browne.

As the deputies drove N/B on Willowbrook Avenue they heard 3-4 gunshots to the N/E of them. Morse saw two cars drive W/B off of 121st Street onto N/B Willowbrook Avenue. Both cars were driving very fast. The first car was a white truck, while the second vehicle was a gold Buick. The white vehicle continued north while the gold vehicle made a right turn (E/B) onto 120th Street. The patrol vehicle followed the gold Buick onto 120th Street. The vehicle turned N/B into an alley between 120th and 119th Streets. Morse believed the driver knew the patrol car was behind him because he accelerated through the alley. They activated the overhead lights. When the vehicle turned onto E/B 119th Street, Morse initiated a pursuit broadcast of a 246 (shooting at an inhabited dwelling) vehicle.

The vehicle turned onto S/B Willowbrook Avenue and continued until it turned onto E/B 121st Street. As they pursued the vehicle, Morse saw people on both sides of the street on 121st Street. As they drove past the people on the south side of the street, Morse heard gunshots. He looked in his side view mirror and saw muzzle flash from the south side of the street. Morse heard 4-5 total gunshots.

Within a second or two, Morse looked forward and saw muzzle flash from the driver side of the gold Buick they were pursuing. Morse saw two or three muzzle flashes from outside of the car. Morse broadcast that shots had been fired. Morse believed he had to do something about the threat in front of him, and advised Deputy [redacted] that he was going to shoot. Morse fired six or seven rounds through the front windshield, which he directed toward the driver side of the Buick. Morse was braced against the seat, dropped the radio and fired with both hands.

Morse felt he had to stop the threat and had no other alternative but to fire through the windshield. The patrol car's windows were rolled up because the siren was on, and the patrol car could not stop because they were taking rounds from the rear. Morse felt trapped in the patrol car, and he fired to protect the lives of his partners and himself. Morse felt he was going to be shot at any moment. Morse's backdrop when he fired was the open street and Mona Park at the dead end of the street.

Within seconds, the suspects' vehicle and patrol car both stopped at the dead end of 121st Street. Morse could not hear very well because of the gunshots inside the car. Morse exited the vehicle and took cover behind the passenger door. He heard Sgt. Knott yell at him to let him out of the backseat. Morse checked the rear to make sure they were not still taking rounds. Morse heard [redacted] fire a

couple of rounds at what he believed was the driver of the suspects' vehicle. Morse could not hear any verbal commands from [redacted] to the driver.

Morse looked toward [redacted] and saw him chasing the driver northbound through Mona Park. They ran toward a walkway which connected Mona Park and 121st Street with 120th Street. [redacted] was approximately 20 yards ahead of Morse. Deputy [redacted] broadcast that he was in foot pursuit. Morse saw one passenger in the Buick. The passenger was compliant and sat in the Buick with his hands up. Morse told the sergeant to cover the passenger, and advised the sergeant that he was going with [redacted]

When Morse caught up with [redacted] at the end of the walkway before 120th Street, they took cover behind a pole. Morse held his position to maintain visual contact with Sergeant Knott, while [redacted] crossed the street and took cover behind a parked vehicle. [redacted] maintained a visual on the yard the driver ran into. Assisting units arrived quickly. When Morse saw assisting units with Sgt. Knott, he took a position with [redacted] and Morse set up a containment of the area.

Morse had received prior training at Laser Village regarding shooting through the front windshield. Morse had discussed foot pursuit tactics earlier in the night with both [redacted] and Knott.

Deputy [redacted]

Deputy [redacted] was working unit [redacted] was the driver of the three man patrol car while Deputy Morse, the bookman, was in the front seat, and Sergeant Knott was in the backseat. [redacted] wore a Department Class C green polo shirt, jeans, a vest, and Sam Browne.

As the deputies drove N/B on Willowbrook Avenue around 124th Street, they heard gunshots to the N/E of them. Simultaneous to the gunshots, two cars drove W/B off of 121st Street onto N/B Willowbrook Avenue. Both cars were driving very fast. [redacted] accelerated to catch up to the vehicles. [redacted] believed the rear vehicle was chasing the first vehicle, and possibly shooting at it. [redacted] chose to follow and stop the rear vehicle. [redacted] followed the vehicle E/B on 120th Street, then N/B into an alley and onto 119th Street. [redacted] turned on his overhead lights and the vehicle would not yield.

Deputy Morse grabbed the car radio and made a broadcast that they were in pursuit. The vehicle turned onto Willowbrook Avenue, then onto E. 121st Street, where it initially turned out of. [redacted] pursued the vehicle because he believed it was related to the gunshots they had heard.

While driving E/B on 121st Street, [redacted] saw that both sides of the streets were lined with male and female Blacks. There were many cars parked on both the north and south curb lines. When [redacted] got closer to the group on the south side of the street, he saw that the group were members of the Mona Park Crips. As the patrol car passed the group of people, [redacted] heard 5-8 gunshots coming

from the south side of the street. He looked in the rearview mirror and saw muzzle flashes. He slid down into his seat to avoid being hit by gunfire, then looked forward at the suspects' car. He saw muzzle flashes coming from the driver side of the suspects' vehicle coming toward the patrol car. [redacted] believed there were 3-5 shots fired from the driver's side. The shots from the rear and the front were almost simultaneous.

As the suspects' vehicle continued E/B on 121st Street, Deputy Morse fired his weapon through the front windshield of the patrol car at the suspects' vehicle.

The suspects' brake lights came on and [redacted] thought their patrol car might be trapped between the suspects' vehicle and the group that fired on him from the party. [redacted] had been shot at in the same area approximately 7 months prior to this incident. [redacted] believed that the driver intentionally lured him back onto 121st Street to set him up for an ambush. [redacted] knew the area was a strong gang area with many guns.

The suspects' car came to an abrupt stop at the end of 121st Street, facing Mona Park. [redacted] stopped his car behind the suspects' vehicle. [redacted] estimated the duration of the pursuit to be approximately 15 seconds. [redacted] exited his vehicle and looked to the rear to make sure he was not being fired on from the rear. [redacted] estimated the distance from his stopped vehicle back to the location of the party/shots fired was approximately 1/4 mile. [redacted] looked back forward and saw the suspect driver running northeast through the park.

As the suspect ran, [redacted] saw the suspect holding a black handgun in his right hand. The suspect turned to his left toward [redacted] brought the gun up and pointed the gun at [redacted] fired three rounds at the suspect. [redacted] believed that the Mona Park Crips do not like him. When the suspect turned on [redacted] with a gun, [redacted] thought the suspect was going to kill him. [redacted] estimated he was 20 yards from the suspect when he fired. [redacted] backdrop was a cinder-block bathroom. There were no other persons in the park.

The suspect turned and ran northbound through a walkway toward 120th Street. [redacted] followed the suspect, utilizing concrete planters in the walkway as cover. [redacted] stayed 20-30 yards behind the suspect. [redacted] broadcast that he was in foot pursuit. When the suspect ran onto 120th Street, [redacted] used a telephone pole for cover and watched the suspect run south into the property at [redacted] recognized this property as the Millender family residence. [redacted] has had numerous dealings with the Millender family, who are know Mona Park Crips gang members. As [redacted] chased the driver, he realized he was chasing one of the Millenders.

When Morse joined [redacted] at the telephone pole, [redacted] moved northwest across 120th Street and took cover behind a parked car. From that location, [redacted] could watch his partner and [redacted] used his radio to direct responding units to set up a containment.

[redacted] and Morse were communicating during the pursuit, but [redacted] did not recall exactly what was said. [redacted] believed Morse told him that Morse was going to shoot prior to Morse firing inside the

car. [redacted] had numerous conversations with Morse and Sgt. Knott regarding foot pursuit tactics. [redacted] planned to chase the driver to contain him.

When [redacted] left the car to chase the driver, he saw Morse let Knott out of the backseat. After [redacted] fired at the driver and ran, he looked back and saw Morse starting to follow him. Morse was approximately 20-30 yards behind [redacted]

WITNESS STATEMENTS:

Civilian Witnesses

[redacted]

Witness [redacted] went to a party with his [redacted] at [redacted] They arrived at the party between 2230 and 2400 hours. As [redacted] stood in the driveway of the location, he heard a police siren. Simultaneously, he heard the sound of a car driving very fast. He looked to the west and saw a tan vehicle driving at a high rate of speed, eastbound, between 60-70 mph.

[redacted] could not see who the occupants were, or how many occupants were in the car. As the car drove past his location, he saw a police car approximately two car lengths behind it with its lights and siren on. When the car was 3-4 houses to the east of the party, [redacted] heard 3 gunshots. He ducked down between two parked cars.

The vehicle and police car continued east. Within 3-4 seconds, he heard an additional 4 gunshots. [redacted] and his [redacted] got into [redacted] car and left the location. They were subsequently stopped by deputies. [redacted] was unsure where any of the gunshots came from or who fired them.

[redacted]

Witness [redacted] went to a house party on E. 121st Street with his [redacted] was visiting from Cleveland, Ohio. The [redacted] arrived at the party between 0030 and 0100 hours. Approximately 10-15 minutes after arriving at the party, [redacted] was listening to music while seated on the north curb of 121st Street on the north curb. He was seated in front of his [redacted] car, at the open front passenger door. The car was parked [redacted] of the party [redacted]

[redacted] heard a rapidly accelerating car approaching his position. The car was a tan, older model, full-sized vehicle, possibly similar to a Pontiac Bonneville. [redacted] looked west, and saw the car approaching. He believed the car might be in the process of committing a drive-by shooting. [redacted] was surprised at the speed of the car because the street was very narrow. The car was being followed by a black and white Sheriff's vehicle.

[redacted] could not see the occupants of the vehicle because of the tinted windows. The driver's side window faced [redacted] as it passed by, and he noticed the window was halfway down. As the car passed, [redacted] heard 3 gunshots. [redacted] could feel the concussion of the gunshots. Initially, he believed the shots originated from within the passing vehicle. He then was unable to tell if the shots emitted from the vehicle or persons on the street. [redacted] crouched low to the ground to avoid being hit by gunfire. The car continued eastbound, pursued by the Sheriff's vehicle.

[redacted] approached [redacted] then ten seconds later, [redacted] heard 4 additional gunshots from the dead (west) end of E. 121st Street. [redacted] looked in that direction and saw the Sheriff's car stopped a the dead end of the street behind the tan car, which was also stopped. He did not see anyone around either car, and did not see who fired the second round of shots.

[redacted] and [redacted] got into [redacted] car and left the location. They were detained minutes later by deputies.

IAB Note: A canvass of the shooting scenes was conducted. Over 20 residents were contacted, while numerous other residences had no persons at home. None of the witnesses offered any substantial information. Most of the witnesses heard gunshots, but did not see anything and could not identify who fired the rounds. Refer to the supplementary reports under Exhibit A, pages 47-57, for the witnesses' statements and information.

Deputy Witnesses

Sergeant Knott, Laurence

Sergeant Knott was working unit [redacted] Knott was in the rear seat of the three man patrol car while Deputies [redacted] (driver) and Morse (bookman) were in the front seat. Knott wore a Department Class C green polo shirt, jeans, a vest, and Sam Browne.

While driving N/B on Willowbrook Avenue, Knott, [redacted] and Morse heard several gunshots which sounded like they came from in front of the patrol car, within a block or two of their location. A couple of seconds later, Knott saw a car drive around the corner of W/B E. 121st Street onto N/B Willowbrook Avenue at a high rate of speed. They tried to catch up to the vehicle, believing it may have been involved in a shooting. The vehicle turned E/B onto 120th Street, then a left into a north/south alley. Deputy Morse initiated a pursuit broadcast and advised SCC he was in pursuit of a 246 (shooting at an inhabited dwelling) vehicle.

The vehicle continued onto W/B 119th Street, S/B Willowbrook Avenue, and back to E/B 121st Street, where it had initially turned out of when the deputies observed the car. The vehicle

accelerated and the deputies continued to pursue. Knott noticed people standing on the north and south sidewalks around mid-block. As the patrol car passed the people, Knott saw muzzle flashes and heard gunfire (4-5 shots) coming from the group of people standing on the south sidewalk. Knott believed the people were shooting at the patrol car.

Knott did not have a clear view of everything going on because he was in the backseat. Knott saw muzzle flashes coming from the driver side of the suspects' vehicle, firing toward the patrol car. Deputy Morse fired several rounds at the suspects' vehicle through the front windshield of the patrol car.

The suspects' vehicle came to an abrupt stop at the dead end of 121st Street, at Mona Park. Knott was unable to open the rear door and exit the patrol car. Morse began to take a tactical position as Knott banged on the car window. Morse opened the rear door for Knott. Knott estimated that the time from when the suspects on the south sidewalk of 121st Street fired at the patrol car until the suspects' vehicle stopped was approximately 10 seconds.

Around this time, Knott heard several more gunshots. He later learned [redacted] had fired at the driver. When Knott exited the vehicle, he checked to the rear to insure the persons that had fired at their moving patrol car did not re-engage the deputies in gunfire.

One passenger remained in the suspects' vehicle. Knott held that suspect at gunpoint as Morse joined [redacted] in a foot pursuit of the driver suspect. Knott was able to maintain eye contact with Morse and [redacted] as they chased the driver. Knott saw that Morse and [redacted] were together, within 50 feet of each other. [redacted] broadcast that he was in foot pursuit of the 246 driver suspect. [redacted] and Morse chased the suspect as he ran through a north/south walkway which connected 121st and 120th Streets.

The vehicle pursuit only lasted 1-1 ½ minutes. Knott did not have a chance to work on a tactical plan although he was thinking of one. Knott and the deputies did not have time to discuss what would occur at the termination of the pursuit. The situation kept changing, especially when their patrol car was fired at by the group at mid-block 121st Street, and also from the driver side of the suspects' vehicle. Knott was concentrating on taking a safe, tactical position when the patrol car stopped.

Knott could not recall if the deputies yelled verbal commands at the suspects when the deputies exited their patrol vehicle. During the foot pursuit, [redacted] continued to coordinate other responding units. Moments later, assisting deputies arrived at Knott's location.

SUSPECTS' STATEMENTS:

Millender, Theodore

Millender was interviewed by CEN/OSS Detectives Lopez and Velasquez.

Millender was at a picnic at Mona Park late in the evening. There were about 40-50 Mona Park gang members in attendance. Millender admitted to drinking vodka. After the picnic, Millender went to a party at [redacted] The owner of the house [redacted] was having a memorial birthday party for her [redacted] who was killed last year. There were many people at the party; the party-goers were inside, outside, and in the street. Millender did not see anyone with guns at the party, although he was certain people had guns.

Millender admitted to driving to the party in a brown Buick, after initially claiming he drove to the party in a truck. Millender went to the store in the Buick. Millender drove the Buick to the park and jumped out of the car. The deputies started shooting at him and he ran northbound through the park to 120th St.

Millender knew the person in the car with him (S/Jenkins) as "Poo." Millender grew up with Jenkins. While driving the car, Millender told Jenkins the police were behind them, but nothing more was said. Millender drove back to 121st Street to try to get away because he did not want to have his [redacted] violated.

Millender told detectives he was getting scared, and did not want to talk anymore without an attorney. The detectives acknowledged Millender's right to counsel, and terminated the interview.

Millender acknowledged that he was not assaulted by the deputies when he was taken into custody.

> **IAB Note: During the interview, Millender asked if detectives believed he was the shooter. He denied any involvement in shooting. Millender requested the tape be stopped during the interview. He wanted to work out a deal with the detectives, and asked if there was any way to get out of the trouble he was in. Millender volunteered to give information regarding outstanding guns from Mona Park Crips members. Detectives advised Millender that they were not interested in a deal, and that shooting at a deputy was a serious matter.**

> **IAB Note: Following his arrest, Millender complained of pain to his back and neck, and was taken to M.L.K. Hospital for treatment. While at the hospital, Det. Tobin attempted to administer a GSR test to Millender. Millender resisted by clenching his fists. Millender made a spontaneous statement that he would have gunshot residue on his hands because he fired a gun earlier in the day. He said he fired a gun into the air. Refer to Det. Tobin's supplementary report under Exhibit A, pages 28-29.**

IAB Note: During his arrest by Canine deputies, Millender made an additional spontaneous statement. Millender had been hiding inside of a car in a backyard. When dogs located Millender, deputies ordered Millender out of the car. Millender exited the car with his hands raised and stated, "I don't have the gun. Don't shoot." Millender further added, "I didn't shoot anybody, did I? Don't shoot me." This statement was made in front of Deputies Conti, Gaunt and Ingreso of Canine Services Detail. Sergeant Burke of CSD was also present. Refer to Ingreso's supplementary report under Exhibit A, pages 30-33.

Jenkins, Alvin

Jenkins was at a picnic earlier the same day of the shooting. When the picnic concluded, the people at the picnic went to a party at [redacted] claimed he was not a Mona Park Crips gang member. He added that he was allowed to socialize with Mona Park Crips because his [redacted] was a member.

While at the party, Jenkins was out of liquor. A Black male (S/Millender) agreed to take Jenkins to the liquor store. Jenkins and the man got into a car and drove westbound on 120th Street. The man was showing off, speeding and braking. Jenkins did not hear any sirens or see police lights at any time because they were playing loud music inside the car..

As the car passed back by the party at [redacted] Jenkins heard numerous gunshots. Their vehicle came to a stop, and the driver fled from the car. Jenkins stayed in the vehicle because he thought he had been shot. Jenkins again denied knowing Millender.

MISCELLANEOUS SECTION:

None